

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2766 of 2024

Pardeep Kumar @ Pradeep Kumar S/o Amilal, Resident of Kakrala (21) Mahendragarh, P.S.- City, Mahendragarh, District Mahendragarh, Haryana, represented through authorized representative namely Nitin Kumar, aged about 43 years, s/o Bishan Dayal Goyal, resident of Ward No. 12, Sunaron Wali Gali, Bas Mohalla, Mahendragarh, P.S.- City, Mahendragarh, District - Mahendragarh, Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. Additional Chief Secretary, Home Department, Government of Bihar, Patna.
3. Secretary, Excise Commissioner-cum-Inspector General of Registration, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
4. Additional Chief Secretary, Excise Prohibition and Registration Department (Excise), Government of Bihar, Patna.
5. District Magistrate-cum-Confiscation Officer (Excise), Patna.
6. Additional District Magistrate-cum-Excise Magistrate, District Patna.
7. Senior Superintendent of Police, Patna.
8. Superintendent of Police (Rural), Patna.
9. Sub-Divisional Police Officer, Barh, Patna.
10. Station House Officer, Bakhtiyarpur Police Station, Bakhtiyarpur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Sudhir Kr. Singh, A.C. to S.C. 23

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 22-02-2024 In the instant petition, petitioner has prayed for
following reliefs:-

(i) Issuance of a direction, order or writ including writ in the nature of mandamus commanding the



concerned respondent authorities under the Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna to release the Vehicle Number bearing registration no. RJ-32GC-8464 and Model name EICHER PRO 3019 S CWC BSIV in favour of the petitioner which was seized/confiscated by the concerned respondent authorities in connection with Bakhtiyarpur P.S. Case No. 10/2023 dated 11/01/2023 for alleged offence u/s 30(A) of the Bihar Prohibition and Excise Act, 2018.

(ii) Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.

2. Learned counsel for the petitioner submitted that official respondents are misusing the subject matter of motor vehicle bearing register no. RJ-32GC-8464 and Model name EICHER PRO 3019 S CWC BSIV seized arising out of Bakhtiyarpur P.S. case No. 10 of 2023 dated 11.01.2023 for the alleged offence u/s 30(A) of the Bihar Prohibition and Excise Act, 2018.

3. Due to wrong identification of the vehicle with reference to general direction given by the State Government on 25.01.2023 certain codification has been made in respect of seized vehicle on behalf of official respondents. The aforementioned vehicle which was not eligible for auction



proceedings and by error they had proceeded to auction the subject matter of vehicle on 11.06.2023. Thereafter, they have realized and re-posses the subject matter of auction vehicle on 27.11.2023 for want of space in the jurisdiction police station, they have kept the subject matter of vehicle in the Excise Police Station, Barh.

4. The subject matter of motor vehicle was misused by the official respondents and the same was utilized for more than four months from the date of auction till re-possession of the vehicle. Therefore, the petitioner is entitled to compensation and it has been quantified at Rs. 1,00,000/- and the same shall be paid to the petitioner within a period of eight week from the date of receipt of this order.

5. In respect of release of the subject matter of motor vehicle is concerned, the petitioner is at liberty to invoke Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is filed in the prescribed form before concerned authority, the concerned authority is hereby directed to examine the grievance of the petitioner under Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023 and proceed to pass a



detailed speaking order if the vehicle is required to be released with the certain conditions or imposition of penalty in that event, the concerned authority has to pass a detailed speaking order and communicate the same to the petitioner at the earliest. The above exercise shall be under taken by the concerned authority within three weeks from the date of receipt of petitioner’s application under Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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